

SCPD EMPLOYMENT FIRST OVERSIGHT COMMISSION
JANUARY 08, 2019
SMYRNA REST AREA, SMYRNA

Present: Cindy Sterling, Chair, ServiceSource/AND; Sandy Reyes, Co-Chair, Department of Human Resources; Marissa Catalon, DDDS; Jocelyn Langrehr, DVR (Designee for Andrea Guest); Dale Matusевич, DOE; Julie Petroff, DOL-Division of Industrial Affairs (DIA); Lloyd Schmitz, Council on Blind/SCPD; Jackeline Saez-Rosario, Advocate; Ron Sarg, DCVA/MOAA; John McNeal, SCPD; Kyle Hodges, SCPD; and Amber Rivard, Support Staff.

Guests: Deb Bradl, DVI/DHSS; Jennifer Garcia, DDDS (Designee for Marissa Catalon); Rita Landgraf, UD Director of Healthy Communities; Genelle Taylor, DSAMH; and Despina Wilson, IRI.

Absent: Thomas Hall, DSS Deputy Director/DHSS; Elisabeth Furber, CLASI/DLP; Emmanuel Jenkins, DDC; and Rick Kosmalski, DDC.

CALL TO ORDER/Introductions/Approval of December 11, 2018 Minutes

Cindy called the meeting to order at 9:36 am. Everyone introduced themselves. The December 11th, 2018 minutes were reviewed. Ron motioned for approval of the December minutes. Marissa seconded the motion. The December 11th minutes were approved as submitted.

ADDITIONS OR DELETIONS TO THE AGENDA

Additions:

- Lloyd provided an email regarding a meeting with the Governor's Advisory Council for Exceptional Citizens (GACEC). Lloyd commented that GACEC deals with education for students with disabilities they had requested a representative from this Commission present at their subcommittee Adult Transition Committee on Tuesday, January 15th from 6:00 – 7:00 pm at the George V. Massey Station in Dover.
- Two pieces of legislations State Tax Credit regarding the Commission. Cindy added that if there is not enough time during the meeting, to discuss this as a topic, it will be added to the agenda for February 12, 2019. The State Tax Credit is the tax credit that the State has for employers that hire individuals with disabilities in the State and it has never been fully implemented. AND had worked with Senator Poore on this subject. The Department of Labor (DOL) had discussed Employment Protection for People with Disabilities and there have been a few problematic sections. Kyle stated that one of the barriers included a statement in the legislation that says, "An employer does not have to spend more than 5% of the person's salary as a reasonable accommodation." There was a short discussion to decide if it was in the State Law or not. Julie spoke about an upcoming meeting with the State Bar Association on revising the Employment Discrimination Act and asked where it can be found. Kyle answered that they will find the exact section of the law for Julie to

review with the Bar Association. Julie added that the Secretary of Labor has an extensive legislative agenda and is revising the Employment Discrimination Act.

Cindy referenced in Title 19 Chapter 7 and when coming to Section 722, it stated to, “d) Make changes to accommodate a person with a disability where:

1. For a new employee the cost of such changes would exceed 5 percent of the annual salary or annualized hourly wage of the job in question; or
 2. For an existing employee the total cost of the changes would bring the total cost of changes made to accommodate the employee's disabilities since the employee's initial acceptance of employment with the employer to greater than 5 percent of the employee's current salary or current annualized hourly wage; or
- e. Make any changes that would impose on the employer an undue hardship, provided that the costs of less than 5 percent of an employee's salary or annualized wage as determined in paragraph (6) d. of this section shall be presumed not to be an undue hardship.”

John added that Julie should remove all of that section and he will give Julie a call on this matter.

BUSINESS

EFOC 2019 Focuses – Rita Landgraf

Cindy stated that the 2019 EFOC Focuses are from the retreat back in August of 2018. We need to bring everyone back into focus of the goals and what the Code currently states. Rita stated that there is nothing wrong with adding to the goals of the Commission, however; the first reason of the Commission was established was to mandate certain things by State Code. The Commission should remain focused on the given goals before becoming sidetracked with other issues concerning employment and people with disabilities. It fits into what is known as the Disability Agenda and the multitude of commissions and councils that have been established within the State to focus on issues impacting people with disabilities. There are councils and commissions that are established and focused around a federal mandate and others have more flexibility in mandating goals that assist people with disabilities in receiving employment and accessing their community. At the time there was a cause for concern due to the State Executive Branch being more engaged in a unified fashion relative to the overall disability agenda. Questions were raised as to how to revitalize the work from the Commission and if they are relevant to their roles? Rita explained that part of her goal in the Commission is self-serving, as she co-chairs the other Governor's Commission with Secretary Walker. The Secretary and the Governor are waiting to see how we are aligning in the disability agenda framework along with not repeating a duplication of our energy and efforts. How do we look at the gaps in employment for people with disabilities and how do we support each other in this work process? That is why the Governor's Commission created an inventory, analyzed it, and figuring out the priorities in the existing

councils and commissions and what role the Governor's Commission plays in the relative priorities of those councils and commissions, including employment.

Rita had met with Kyle in discussing the establishment of the Employment First Commission and supporting this initiative with input to the State Council. She added that one of the issues with agendas from committees or councils creating many sub-groups/sub-committees is that it tends to fragment into different parts and lose sight of the larger agenda. Kyle had decided that when the Employment First Commission was established to place it under the SCPD Council body to support the Administration, and help them become keenly aware of the important components of the work of the Commission, and how to collaborate into an agenda at the State Council level. Rita added that there should be a focus on the agenda topics that include:

- Focusing on our mandate and looking at the goals and objectives around that particular mandate.
- Reviewing our inventory with the 3 P's: Programs, Policies and Procedures. Also reviewing the programs from an employment first lens, including what are the policies that impact employment and what are the procedures. There is also the baseline data (timeframe) from the inventory that should be tracked over time with whatever the Commission wants to establish and how it gets promoted on an annual bases. **What to think about? How do we first get the inventory in place with the correct baseline data? How do we advance and ensure that we are moving forward with Employment First in understanding the programs, policies and procedures of state agencies? What represents the state agencies? How do we effectively establish objectives/strategies around that?**
- Timeline – We are also required to do an Annual Report that reflects what is mandated by Code in the above-mentioned areas.

“Getting to Know You” summarized the powers and duties of the Commission:

- After setting out the goals and objectives, the Commission reviews those measurable goals/objectives submitted by each relevant State agency to ensure implementation of this subchapter. **Think about what qualifies as a relevant State agency to the Commission.**
- All State agencies shall fully cooperate with and provide data and information to assist the Commission in carrying out its duties including the 3 P's: Programs, Policies and Procedures.
- Prepare an Annual Report (SCPD) to Governor and the General Assembly. **After data has been collected from relevant State agencies, how are the relevant State agencies advancing the work of the Commission on an annual bases?** There are detailed requirements within the Commission mandate on what needs to be in the Annual Report including progress towards the goals/objectives and full implementation. Demonstrating in the Annual Report the cooperation of all State agencies in creating and disseminating information. **How does the information get incorporated into the State agencies' plans?** It will also include identifying barriers in achieving the outcomes along with effective strategies and policy adoption in order to move forward. **How can we**

overcome the barriers that played out and how do we move forward in our Commission agenda?

The next slide displayed the mission of the Commission:

- The Commission's mission is to ensure that the state agencies promote and implement the Employment First Act so that people with disabilities, as a first option, have the opportunity for meaningful and competitive employment in fully integrated work settings. We carry out the mission by working with state agencies in reviewing programs, policies, procedures and funding of agencies that are related to implementation of the Act. Then, we continue tracking and reporting progress of the agencies in reaching measurable goals and objectives related to the Act. We must identify barrier to achieving those goals and objectives along with finding strategies to overcoming them. Some agencies may be doing this and others may not. **Think about it: How can we make this universal?**

Dale stated that there are two groups that state agencies could be put into around the discussion of employment first. The two groups are those that are the hiring practices and those with the main focus of assisting individuals with disabilities into obtaining employment. Rita added that it would be a good suggestion to write down what are the relevant state agencies that we want to fulfil for the mandate. Kyle wrote down the list of two categories of State agencies that prepare people with disabilities and who has hiring practices/policy:

Relevant State agencies that are preparing people with disabilities into obtaining integrated competitive employment:

- DOE – It is done through districts and schools. Included is the Exceptional Children section that is a workgroup including people with disabilities.
- DOL/DVR- Employment and Training with people with disabilities. The Veterans Program is part of the population of people with disabilities.
- DHSS – DVI, DSAMH, DSAAPD, DDDS, DSS, Selective Placement and DSCYF are included under DHSS in assisting people with disabilities obtain employment.
- DOC (Department of Corrections)

Relevant State agencies that promote Policy and Hiring Practices:

- DHR – State Hiring Practices and Selective Placement with reasonable accommodation. In partnership with DVR, Title I and Title II ADA Coordinator is also underneath this group. Lloyd had mentioned short term and long term disabilities as one program with two components under the DHR and the ADA.
- DOL – Industrial Affairs enforces the labor laws for all employers.

Rita clarified that the list above is the list being used to have baseline data on the agencies' programs, policies, procedures and funding related to the implementation of the Employment First Act. She added that the EFOC should narrow the scope of our competency and

infrastructure relative to executing what needs to be done for the 3P's and funding. Lloyd motioned for approval of the list above being the relevant State agencies for the initial baseline. Cindy seconded the motion. Motion was carried with no one opposing or abstaining.

Reflections from past Annual Reports created in January 2013 in an attempt to gather baseline data. Rita and Kyle want to know if these are the questions that should be asked in an attempt to gather baseline data:

- Agency's policies and/or processes to promote and achieve meaningful and competitive employment opportunities for people with disabilities in your system – Dale asked for clarification to the question. Rita asked if the Commission would want to tailor different surveys to different agencies based on the question. The first question could be reworded and a comment was made by a Commission member about adding Rita's comment on employment first being the first option.
- What data, if any, does your agency compile on people with disabilities in your system that receive vocational supports? Please provide such data from your agency's most recently completed fiscal year. In addition, what vocational supports and services are provided by your agency?
 - Sheltered Workshops
 - Competitive Employment
 - Other (please explain)

Marissa added a question within the second question that should be asked: How many individual support plans integrate employment? Rita commented that the questions should track if the agencies are carrying out the employment first as the first option for people with disabilities, and keep tracking the progress of their data each year. Discussion was made in how to effectively collect data within surveys and what are the barriers in preventing us from collecting the proper data without duplication.

- Please state your agency's existing strategic plan, with goals and objectives, to promote and achieve meaningful and competitive employment opportunities for people with disabilities in your system. – **Reword it: Do you have a strategic plan that identifies measurable goals and objectives relative to promoting and achieving employment?**
- What are the barriers your agency experiences in promoting and achieving meaningful and competitive employment?
- Identify any innovative ideas or best practices. – **Add partnership into the statement.**
- Identified a representative consistent with the legislation. Who will be your agency's liaison? – **Remove this question.**

Rita stated that the Commission incorporated what was brought together as a Commission and listed below are some of the beliefs, principles, and values that help us carry out our mission:

- Equality
 - All people can work.
 - People with disabilities are entitled to an equal opportunity to work.
 - Equal pay for equal work.
 - The opportunity for all students with significant disabilities to experience integrated competitive employment.

- Each student must be given the opportunity to learn skills they may need to pursue higher education and/or employment.
- All people with disabilities are the customers of the work of this Commission.
- Understanding
 - Honesty, respect, objective understanding.
 - Belief in human dignity and sense of self-worth.
 - Promote high expectations.
 - People with disabilities have informed choice when selecting their employment. This should be an on-going, regular process.
- Pragmatic
- Be strategic, not opportunistic.
- Commitment and follow through with objectives.
- Commitment of the Commission Members to the Commission.
- Be thoughtful and seek to build understanding among stakeholders.

Rita thanked everyone for their commitment with the Commission overview of mandates that was discussed at the Retreat. Kyle and Rita will distill what has been discussed and give the Commission something to reflect upon. Kyle, Rita and John will discuss with Cindy and Sandy the timeline for the execution stage of data.

EFOC Membership Review

Amber and John provided a one-page list of who are the members of the Commission. Cindy added that it will be easier to recruit others after we set our goals and objectives.

OTHER BUSINESS

None

PUBLIC COMMENT

None

ANNOUNCEMENTS

Cindy is looking for an Employment Consultant (Service Source) and there is an opening for a liaison for individuals in the Ability One at the Dover Airforce Base. Job listings are posted on their website.

ADJOURNMENT

Lloyd motioned to adjourn the meeting. Marissa seconded the motion. The meeting was adjourned at 11:33 am.

Respectfully submitted,

Amber Rivard
Administrative Specialist